

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

D&S INVESTMENTS, LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. 09-1091-CV-W-HFS
)	
NABY VINCENT D'METAYER, et al.,)	
)	
Defendants.)	

ORDER

At a July 19, 2011 hearing, plaintiff, by its attorney David L. Zeiler, put on evidence in support of its motion for judgment by default, including extensive testimony by Sean Tebbe, corporate representative for plaintiff. After also reviewing the pleadings, the court's docket, the affidavits of Mr. Zeiler and Mr. Tebbe in further support of plaintiff's motion for judgment by default, the evidence, and statements of counsel, the court finds that a partial judgment by default should be entered in favor of plaintiff D&S Investments, LLC and against defendant CT Matrix(UK), Ltd. (hereinafter CT Matrix).

The court finds from the record that defendant CT Matrix was duly served with the complaint and summons in this matter and that CT Matrix has failed to answer the complaint, or to otherwise plead or defend, as required under the Federal Rules of Civil Procedure. The court further finds that it has jurisdiction over defendant CT Matrix and that venue is proper in this judicial district. Accordingly, it is hereby

ORDERED that the plaintiff's motion for judgment by default (ECF doc. 24) is GRANTED in part pursuant to Federal Rule of Civil Procedure 55(b)(2).¹ It is further

ORDERED that plaintiff is the rightful owner of all rights, title and interests in CUSIP # 76111XGD9 (the Collateralized Mortgage Obligation, or CMO, at issue), and, therefore, all appropriate writs should issue so that plaintiff can recover CUSIP # 76111XGD9. Defendant CT Matrix is hereby enjoined from transferring the CMO except to plaintiff. It is further

ORDERED that defendant CT Matrix shall transfer the CMO to plaintiff on or before September 1, 2011.² It is further

ORDERED that the court also determines that there is no just cause to delay entering final partial judgment as provided herein. As a result, it is further

ORDERED that the clerk is directed to enter final partial judgment in the record pursuant to this order. It is further

ORDERED that the clerk's office shall to mail informational copies of both this order and the resulting final partial judgment to: (1) the individual co-defendants in this case, (2) counsel of record in a related case, D&S Investments, LLC v. CT Matrix(UK) Ltd., et al., Case No. 10-0970-CV-W-SWH; and (3) defaulting defendant CT Matrix(UK), Ltd. It is further

ORDERED that, with regard to the CT Matrix mailings, the clerk shall transmit the documents by regular first class international mail and by FedEx with signature required at delivery, at the following last-known addresses for that entity: (1) CT Matrix(UK), Ltd., Suanlang Pravet,

¹The damage claim has unusual complexity and remains under advisement.

²To the extent that CT Matrix may present untimely objections, whether procedural or substantive, the court will thus have an opportunity to reopen these proceedings as justice may dictate.

688/279 Vivitower, 17 SOI Pholthrep Patanakan Rd., Bangkok, Thailand 10250; and (2) CT Matrix(UK), Ltd., 2F, Hyeon-Woo Building, 4-22, Nonhyeon-dong, Gangnam-gu, Seoul, Korea 135010.

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

July 22, 2011

Kansas City, Missouri